App. F. IX-4

Previous References
Law 48-26-1-2
& Dep-26-37

Letter References

193 7. (Law)

File No. 183-37
Serial Nos. 1-3

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3 (15)

Part B for May 1938

SUBJECT.

Jurisdiction of State courts over Imperial post-offices situated in the State - for purposes of attachment of salary of postal employees

Sl-3 Recorded after postal

WD 0295—GPB—22,500—13-8-37

11.10.38

1882 (1

General and Revenue Secretariat | Law File No. 183 of 1937 | [App. F. III–2

Serial No.

From

The Secretary
to the Resident
in Mysore

Letter no F. 1283-37 R.O.I, dated 10th Nov: '37

Forwards for information and action, if any, copies of correspondence from the Postmaster General Madras, and the Director-General of Post and Telegraphs, Simla, in regard to the jurisdiction of State Courts over Imperial Post offices situated in the State.

1) The Secretary to the Resident in Mysore has forwarded copies of correspondence in the matter of the jurisdiction of State Court over Imperial Post offices situated in the State.

2) It is seen from the copy of the extract of the letter dated 10th Sept. 1937, from the Director-General of Post and Telegraphs (Flag V) that the Govt of India have now passed a Rule to the regulating Civil procedure in the manner mentioned therein.

3) The Govt Advocate may perhaps be requested to offer his remarks in the matter

Submitted for orders.

16/11

NOTE—Contn. Sheet.

2715/D 2462

General and Revenue Secretariat

Law File No. 183 of 1937

Serial No.

4) Please find out who is the Salary Disbursing Officer, fixing Salaries of Postal Officials in the State, and to whom the Salary attachments are generally addressed by our Courts.

ABR
21.11.'37)

5) Development Branch (Post and Telegraph Section) to kindly furnish the required information.

B/ 22/11

6) Kindly refer to marked 'B' with P.M.G's letter dt 11-9-1937 (enclosure to this D.O. dt.)

Whereupon it is seen that the Post-master General is the disbursing officer for salaries and allowances of postal employees. As regards A in para 4, Courts Section may kindly furnish the information.

18.23.11.37.

7) Letter marked 'F' is a courtesy letter to the one marked 'I', the reasoning being that as the P.M.G. is not within the State limits, any order of a State Court is not binding on him. This does not seem to be sound reasoning, otherwise there is no need for contemplation of more disbursing officers than one as in 'I'.

"We have"

F

Serial No

The interpretation of the phrase 'Salary disbursing officer' may perhaps be elucidated by the Law Section with reference to Ind. Enactments. The words 'Legal' in para 4. at 'A' may be dropped meanwhile

Asst Secy Law Secn) 16/12 28/12

8) The directions given by the Director General of Posts and Telegraphs, Simla, & the Post Master-General of Madras, seriously affect the power of the State Courts to order attachment of the salary of postal officials in the State, as the Salary disbursing officer is beyond the jurisdiction of the State. The result would be, that the decree holders would have to get the decrees transferred to for. Indian Courts and there execute the decrees; if the relief they want is the attachment of the salary of the postal officials.

The High Court may perhaps be consulted unofficially in the matter.

BRR 31.12.37

9) Gen. Secy. It is not so much the direction being improper as the meaning that may be given to salary disbursing officer that causes trouble. Who is the salary disbursing officer for the postal employees in the State?

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

369/37
P 637
2715
D

2682 (4)

Law File No. 183 of 193 | General and Revenue Secretariat

(4) In our state, in Govt. depts the delay dishonoring officer is the immediate superior who draws the bill. Do the rules remain different in the case of a local employee? | A

Dno
10/1/38

10/1

10) Development Branch (Post and Telegraph Section) for favor of a note on the Gen'l Secy's query.

3681
D

Sulya.

10/1

1) The Branch has no information re. A above. May this Dis. ? be considered?

18.17.1.38

2) Under O. 21. r. 48. of C.P.C. the delay "Disbursing Offr." for purpose of execution of such attachment warrant is "such officer as is notified specially in this behalf by Govt. in the Official Gazette. But this has application only to institutions & offices under the control of the Mysore Govt., and not to officers outside the Mysore Govt. service. This will be sent unofficially to the Mysr. High Court, for Remarks on the points mentioned, and the question raised in the Gen. Secy's note above

GENERAL SECRETARIAT
18 FEB. 1938
4684

W.T.O. 9/2

Dno Secy)
13/1) There is no objection in the PWD Secretariat
Gl Secy 14/1 Yes Dno 17.1.38 15/2/38

4969 2862

Salary disbursing officer of Postal officials (5-

General and Revenue Secretariat

File No. Rev 183 of 1937. [App. F. III—2

Serial No.

15) Subd with a draft for approval as per orders at paras 14 and 15.

25/5

16) DSMR 26.5

To

The Post Master General Madras

NO P.4955 Dt 1-3-38

From

The Secretary

to the Resident in Mysore

Memo no 7.1283-37, dated 14th May '38

Forwards a copy of letter from the Postmaster-General, Madras furnishing the information called for.

17) Reference para 9.

18) The Post Master-General in his letter (flag W) has furnished the required information. The same is submitted for perusal and orders

19/5

19) Please put up Posts and Telegraph Manual Vol II

BSRR 19.5

20) A copy of the above obtained from the library is put up.

19/5

NOTE—Contn. Sheet.

WD 0284—GPR—30,000—18-9-37

1662

Salary disbursing officer of Postal officials

File No. Laws 183 of 1937. General and Revenue Secretariat

OFFICE OF THE SECOND MEMBER OF COUNCIL. 24 MAY 1938 No. 8964

21) Here modified his thanks given by the Director General of Posts and Telegraphs in his letter of 22.1.1938 removes the apprehended difficulty in the matter of attaching the Salary of the Postal officials in the State.

As stated therein, the attachment warrants have to be issued to the Salary disbursing officer in the State, and not to the Post Masters General.

GENERAL SECRETARY. 19 MAY 1938 6918

BKR 19.5

(Gen. Secy) For perusal

Jud 21/5

Member

First Member

BKR 23.5

660 Sc. 23/5

Sd/- ...5

Jud 25/5/38

G 25/5

BKR 26.5

B 27-5-38

The file may be sent unofficially to The Registrar of the High Court for perusal & return

G 7/7/38

1662 Re: attachment of salary of postal employee of the Imperial Post offices situated within the State.

General and Revenue Secretariat

Law File No. 183 of 1937 [App. F. III-2

Serial No.	
3938	Forwarded with compliments to the Registrar, High Court of Mysore for favour of perusal and return.
	By order
	B K Rainatha Iyengar
	7.7.38 For Gen: Secretary to Govt.
	High Court of Mysore,
	Dated, Bangalore, 9th July 1938
	Returned with compliments to the General Secretary to the Govt:
	T Thanniengar
	Registrar

CWO 38 58-30 7 JUL 1938 Mysore

GENERAL SECRETARY 9 JULY 1938 Mysore

BKR 11-7

B 11-7-38

NOTE—Contn. Sheet.

2862/p 837 Pol 784 (8)

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,
Bangalore, the 10th November 1937

Law 183-37-1

No. F.1283-37 Enc. 1 (2.s.)
R.O.I

A copy of the undermentioned paper is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, for information, and such action as may be considered necessary.

By order, etc.,

for SECRETARY TO THE RESIDENT.

Letter from the Postmaster General, Madras, No.S.B.I/Gl/ch.II, dated the 11th September 1937, and enclosure.

MP

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Letter from the Postmaster General, Madras, No. S.B.I GI/ch.II, dated the 11th September 1937.

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Jurisdiction of State Courts over Imperial Post Offices situated in the States.

- - -

I have the honour to forward herewith for favour of information an extract from letter No. FM/IS/344/36 dated the 10th September, 1936 from the Director-General of Pos and Telegraphs, New Delhi, to the postmaster-General. Mad ras, etc., regarding the above subject.

2. In pursuance of the Government of India ruling contained in the above extract, it will not be possible f the Postmaster-General, the disbursing officer for sala- ries and allowances of postal employees, to comply with the orders of attachment against salaries and allowances of officials pertaining to his subordinates working within the State Jurisdiction unless received through Britain Indian Courts.

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"C O P Y"

SUPERINTENDENT, RESIDENT'S OFFICE.

TVD.

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Extract from letter No.FM/IS/344/36 dated the 10th Septemb 1936 from the Director-General of Posts and Telegraphs, Simla t the Postmaster-General, Madras.

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Jurisdiction of State Court over Imperial Post Officer situated in the State.

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I am directed to inform you that the Government of India hav now ruled that enactments of an Indian State regulating Civil Procedure apply to British Indian Post Offices and the postal - employees in the State and that the prohibitory or attachment orders issued in pursuance thereof by the Civil Court of the State in respect of property situate within the Jurisdiction of the court represent directions of competent court which must be complied with by the officer in charge of the British Post Office concerned in whose name the orders are issued, provided he is within the State. If, however, the officer in charge is not with in the jurisdiction of the State he is not governed by the pro- hibitory or attachment orders of the State court which should be returned to the court unexecuted. It is then open to the State court to send the order to a British Indian Court for execution.

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TVD.
KRo

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 26th ~~February~~ March 1938.

No: Pus 955 Secy 18537

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Post Master General,

MADRAS.

Sir,

Subject:- Jurisdiction of State Courts over Imperial Post Offices situated in the States.

With reference to your letter No.C.B.1/Gl/Ch.II, dated 11th September 1937, to the Hon'ble the Resident in Mysore, Bangalore, on the above subject, I am directed to request you to be so good as to intimate whether in the case of a postal employees in the State the salary disbursing Officer is the immediate superior who draws the bill and if not who the Salary Disbursing Officer is.

An early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- M. Venkatesa Iyengar,
General Secretary to Government

K.M.R.3. Memo No. Dated, 26th Feby. 1938.

Copy of the above, is forwarded, with compliments, to the Hon'ble the Resident in Mysore, with reference to his Memo No.F.1283-37/R.O.I dated 10th November 1937.

for General Secretary to Government.

K.M.R.2.

Appendix F G—1]

SUBJECT .....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 1.3.38

Signed by Sm. PKR

List of enclosures.....

Copied by.....

Examined by.....

Section Laws

File No. 183-37

Serial No. 2

To The Post Master General Madras

No. P4955

To ~~The Secretary to the~~ ~~The Post Master General~~ ~~Madras~~

Subject:- Jurisdiction of State Courts over Imperial Post offices situated in the States.

Sir,

With reference to your letter no. S.B.1/Gl/ch II, dated 11th Sept. 1937 to the Hon'ble the Resident in Mysore, Bangalore on the above subject, I am directed to request you to be so good as to whether in the case of a postal employee intimate whether the salary of the disbursing officer is the immediate superior who draws the bill, or ~~or the pay~~ as if not, who is his D.D.O. is.

An early reply is requested.

I have etc.,

PKR

for Genl Secy.

~~Copy to the Secretary to the Hon'ble Resident in Mysore~~

~~With reference to his memo~~

~~No. 7.1883-37, dated 10.2.37~~

R.O.1

WD 0521—GPB—30,000—12-3-37

6662 P 37 Rol 1899

(13)

THE OFFICE OF THE HON'BLE THE RESIDENT
IN MYSORE
Bangalore, the 14th May 1938.

Secret 183-37-3.

No. F.1283-37 Enc (1).
R.O.I

A copy of the undermentioned paper is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, for information, in continuation of endorsement from this Residency No.F.1283-37/R.O.I, dated the 10th November 1937.

By order, etc.,

for SECRETARY TO THE RESIDENT.

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Letter from the Postmaster-General, Madras, No.SBI-General/Ch.III, dated the 21st April 1938, with enclosure referred to in paragraph 2.

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Letter from the Postmaster-General, Madras, No.SBI-General Ch.III, dated the 21st April 1938.

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Jurisdiction of State Courts over Imperial Post Offices situated in the State.

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I have the honour to forward herewith a copy of letter No.P.4955, dated the 1st March 1938 from the General Secretary to the Government of His Highness the Maharaja of Mysore and to request that you will be so good as to inform him in reply that technically the salary disbursing officer of the Postal emplyees in the Indian State is the Postmaster-General. But the immediate officer who draws the bill and disburses the amount actually is the head of the office in which these postal employees are employed.

2. In this connection I enclose an extract from letter No.FM/IS-449/37, dated the 22nd January 1938 from the Director-General of Posts and Telegraphs, New Delhi which is in partial modification of paragraph 2 of my letter No.SBI-General/II, dated the 11th September 1937 to your address.

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Extract of paragraph 1 of letter No.FM/IS-449/37, dated the 22nd January 1938 from the Director General of Posts and Telegraphs New Delhi, to all Postmasters-General, etc..

- - -

In continuation of this office letter No.FM/IS-344/36, dated the 10th September 1936, I am directed to inform you that a State Court is not under any obligation to issue an order attaching the pay or allowance of an official of this Department to the officer specified in column 2 of the schedule given in Rule 55 of Posts and Telegraphs Manual Volume II but it is competent to issue such an order to the officer in the State who is responsible for the disbursement of the salaries of the officials of this Department in the State and that office is bound to comply with it in accordance with the relevant provisions of the State law. If, however, the order is in fact issued to

(15

to you you are not governed by that order and it should be returned to the State Court unexecuted with the intimation that it will not be possible for you to comply with such order. Necessary amendment to Rule 65 of Posts and Telegraphs Manual, Volume II will be issued in due course.

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"C o p y"

Superintendent, Resident's Office..

NS